IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 20477 of 2006(K)

PETITIONER:

P.K.CHAKRAPANI,
S/O.KUNJAN, AGED 53 YEARS,
PADINJARE NADUMPALLIL HOUSE,
SOUTH VAZHAKULAM, ALUVA, ERNAKULAM - 683 103.
(FULL-TIME MENIAL (RETD.),
GOVERNMENT HIGH SCHOOL, SOUTH VAZHAKULAM).

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE GOVERNMENT SERVANTS CO-OPERATIVE SOCIETY LTD. NO.131, PERUMBAVOOR -683 542, REPRESENTED BY ITS SECRETARY.

2. THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL, SOUTH VAZHAKULAM,
ALUVA, ERNAKULAM DISTRICT.

3. SRI.P.K.MOHANAN,
HIGH SCHOOL ASSISTANT,
GOVERNMENT HIGH SCHOOL, SOUTH VAZHAKULAM,
ALUVA, ERNAKULAM DISTRICT.

4. THE SUB TREASURY OFFICER,
KUNNATHUNAD, ERNAKULAM DISTRICT.

RESPONDENT NO.5 IS IMPLEADED AS ADDITIONAL RESPONDENT AS PER ORDER DT. 5.3.07 IN I.A. NO.3445/07.

*R5. THE DEPUTY DIRECTOR OF EDUCATION,
KAKKANAD, ERNAKULAM.

BY GOVT. PLEADER SRI. T.T. MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.20477/06

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE GRATUITY PAYMENT ORDER OF THE ACCOUNTANT GENERAL.

EXT.P2: COPY OF THE OBJECTION OF THE 1ST RESPONDENT.

EXT.P3: COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P.(C). NO.252/2005-E.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 20477 OF 2006

Dated this the 23rd day of May, 2007

J U D G M E N T

Petitioner retired from service while he was working as a Full-time Menial in Government High School, South Vazhakulam. Petitioner admits that he stood as surety for the loan availed by the 3rd respondent, who was working as High School Assistant in the same school.

2. As per Ext.P1 order, petitioner was found entitled to get a sum of Rs. 75,025 as gratuity. However, the 1st respondent Society, who had sanctioned the loan in favour of respondent No.3, issued Ext.P2 communication to the Headmistress of the school informing that a sum of Rs.54,975/- is liable to be recovered from the petitioner towards the loan account of respondent No.3. Petitioner seeks to get Ext.P2 quashed.

3. It is contended by the petitioner that the amount if any payable by respondent No.3 towards the loan account has to be recovered from respondent No.3 himself, who is a High School Assistant whereas the petitioner is only a Full-time Menial. He has retired from service too.

4. Learned Government Pleader points out that respondent No.3 has also retired from service on March 31, 2007. His retiral benefits have not yet been disbursed to him till date.

5. Though notice has been served on respondent No.1 and 3 they have not entered appearance. In the above facts and circumstances, I do not find any reason why respondent No.1 shall not proceed against the retiral benefits of respondent No.3. It will be open to respondent No.1 to recover the dues payable by respondent No.3 from his retiral benefits.

The writ petition is disposed of with a direction to respondent No.2 to take appropriate steps to ensure that the gratuity amount payable to the petitioner is disbursed to him as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment. Respondents 4 & 5 shall also ensure that the retiral benefits of the petitioner are also disbursed to him within two months from the date of receipt of a copy of this judgment.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007